

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT

No.: [REDACTED]

COMMONWEALTH,

Plaintiff,

vs.

Defendant.

MOTION TO PRODUCE DISCOVERY  
PERTAINING TO STATE LABORATORY

Now comes the Defendant in the above-captioned indictment(s) and, pursuant to Mass. R. Crim. P. 14, hereby moves this Honorable Court to order the Commonwealth to provide him with complete and accurate copies of the following:

1. Any and all notes, including all chemist and laboratory notes, handwritten and typed, and instrumental tracings relating to the receipt, processing, analysis and reporting of tests on the substances seized in this case conducted by the State Laboratory; Including, but not limited to:
  - a. All data produced during Mass Spectrometry and Gas Chromatography analysis.
  - b. All documents relating to the chain of custody of the substances in question.
  - c. Images, if any, of the packaging materials used to contain the substances.
  - d. Documentation as to which chemists and /or any and all staff who inventoried, tested, stored or reviewed the testing procedures in the case.
  - e. Lists of all individuals at the Amherst Lab who had access to the evidence room and all logs relating to the access to evidence.
  - f. Laboratory protocols, manuals, and instructions for maintaining chain of custody in the Amherst Lab.
2. Identification of the testing procedures which were performed on the seized substances by the State Laboratory.
3. Identification of the equipment used to conduct such testing, as well as copies of operation manuals, training manuals, and records of maintenance for the same.
4. The names and curriculum vitae of all chemists, assistants and laboratory workers who conducted any testing on the substances seized in this case, and a list of the professional or trade organizations to which said individuals are members (specifically, organizations furthering science or forensic science).

5. A copy of any and all protocols, standards, guidelines, directives and/or policies that are recommended, required, offered and/or available to the chemists, assistants and laboratory workers at the State Laboratory.
6. A list of any local, state, or national government certification(s), or accreditation(s) received by the State Laboratory, as well as any certifications or accreditations received by independent, that is non-governmental, organizations.

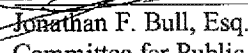
In light of the arrest of Amherst Lab Analyst Sonya Farak on 1/20/13 based on allegations that she stole drugs from the Amherst Lab and then substituted counterfeit substances in their place, prompt production of the requested information is essential to the fulfillment of the Defendant's rights to: prepare and present a defense, due process of law, effective assistance of counsel, cross-examine witnesses, and to confront the evidence against him (specifically the testimony of the chemist or lab technician who conducted the drug analysis in the instant case) as guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution and Articles XI and XII of the Massachusetts Declaration of Rights. See Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009). Furthermore, the allegations in question create the likelihood that exculpatory evidence exists in this case.

For the reasons herein, and for any others that may become apparent during a hearing on this matter, the Defendant respectfully requests that this Honorable Court allow the instant motion and order the Commonwealth to comply within thirty (30) days.

Respectfully Submitted,

By His Attorney,

Dated: 1/24/2013

  
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-- CERTIFICATE OF SERVICE --

I, hereby certify that on this 25<sup>th</sup> day of Jan, 2013, I personally delivered and served a copy of the foregoing in-hand to ADA Edward V. Jackson, an agent of the Hampden County District Attorney, 50 State Street, Springfield, MA 01103.